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on: August, 21, 2008

By:



Margaret A. Powers

Attorney Docket No: 0228us420

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Poul Baad Rasmussen, *et al.*

Application No.: 10/609,296

Filed: June 27, 2003

For: Interferon Beta-Like Molecules

Examiner: Seharaseyon, Jegatheesan

Art Unit: 1647

Confirmation No. 5764

**THIRD REQUEST FOR  
CORRECTED FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Mail Stop: Issue Fee

Dear Sir:

On August 12, 2008, Applicants submitted a Second Request for Corrected Filing Receipt in the above-identified application. On August 15, 2008, Applicants submitted a Revised Second Request for Corrected Filing Receipt in the above-identified application. Applicants hereby submit this **Third Request for Corrected Filing Receipt** to clarify and more fully outline the assignment information provided in the Requests for Corrected Filing filed on August 12, and 15, 2008, respectively. This additional information supports the request to correct the Official Filing Receipt to show that Maxygen ApS is the sole assignee of the instant application.

**Updated Summary**

On February 21, 2008, Applicants filed a Request for Corrected Filing Receipt in the above-identified application via EFS Web. The United States Patent and Trademark Office (USPTO) has not yet issued a Corrected Filing Receipt, and this application has now been allowed, as evidenced by the Notice of Allowance dated June 2, 2008. **Accordingly, Applicants hereby submit a Second Request for Corrected Filing Receipt and respectfully request that a Corrected Filing Receipt be issued in the above-identified application.**

Attached is a marked-up copy of the Official Filing Receipt received from the USPTO in the above-identified patent application for which issuance of a corrected filing receipt is respectfully requested. Specifically, Applicants request that the following corrections be made, as shown on the enclosed marked-up copy of the Official Filing Receipt:

(1) A Petition to Correct Inventorship was filed in the instant application on February 21, 2008. The Examiner acknowledged that he entered this Petition to Correct Inventorship in the Notice of Allowance dated June 2, 2008. **Accordingly, please delete Joern Drstrup, Anders Hjelholt Pedersen, and Hans Thalsgard Schambye as inventors of the instant application on the Official Filing Receipt, as indicated on the attached marked-up copy of the Official Filing Receipt.**

(2) The priority claim in the specification in the paragraph beginning at page 1, line 4 was amended via two Amendments filed in the instant application on February 21, 2008 and June 27, 2003, respectively. Pursuant to these Amendments, the paragraph beginning at page 1, line 4 of the specification has been amended to specify that:

This application is a Continuation of US Application Serial No. 10/084,706 filed February 26, 2002, now U.S. Patent No. 7,144,574, which claims priority from and benefit of U.S. Provisional Application No. 60/272,116 filed February 27, 2001, U.S. Provisional Application No. 60/343,436 filed December 21, 2001, U.S. Provisional Application No. 60/302,140 filed June 29, 2001, U.S. Provisional Application No. 60/316,170 filed August 30, 2001, and U.S. Provisional Application No. 60/357,945 filed February 19, 2002. Pursuant to 35 U.S.C. §119(a)-(d), USSN 10/084,706 also claims priority from and benefit of Danish Patent Application No. PA 2001 00333 filed March 1, 2001.

Accordingly, please amend the priority claim on the Official Filing Receipt of the instant application to include reference to PAT 7,144,574 and to delete reference to the following 3 Danish patent applications – Denmark PA 1999 01197 08/27/1999, Denmark PA 1999 01691 11/26/1999, and Denmark PA 2000 00194 02/07/2000, as indicated on the attached marked-up copy of the Official Filing Receipt.

(3) The instant application USSN 10/609,296 is a continuation of US Application Serial No. 10/084,706 filed February 26, 2002, now U.S. Patent No. 7,144,574. The inventors originally assigned all of their respective rights and interest in parent application USSN 10/084,706 to co-assignee Maxygen Holdings, Inc., as shown by the Assignment recorded at Reel/Frame 013053/0323 on July 2, 2002, and to co-assignee Maxygen ApS, as shown by the Assignment recorded at Reel/Frame 013053/0293 on July 2, 2002. Applicants subsequently noticed an inadvertent typographical error in the Assignment recorded at Reel/Frame 013053/0323; the assignee's proper name was Maxygen Holdings Ltd. – not Maxygen Holdings, Inc. To correct this error, a new corrective assignment from the inventors to the proper assignee Maxygen Holdings Ltd. was recorded at Reel/Frame 013501/0249 on November 13, 2002.

Maxygen Holdings Ltd. subsequently has assigned all of its rights and interest in parent application USSN 10/084,706 to Maxygen ApS, as shown in the Assignment recorded at Reel/Frame 016907/0166 on December 16, 2005. Thus, Maxygen ApS is the sole assignee of parent application USSN 10/084,706.

Because instant application USSN 10/609,296 is a continuation of parent application USSN 10/084,706, the assignments recorded in the parent application are also effective in the instant application, and thus Maxygen ApS is the sole assignee of instant application USSN 10/609,296.

Applicants note that an assignment from Maxygen Holdings Ltd. of all of its rights and interest in instant application USSN 10/609,296 to Maxygen ApS was submitted and recorded at Reel/Frame 017187/0043 on February 17, 2006. This assignment of all rights and interest in USSN 10/609,296 from Maxygen Holdings Ltd. to Maxygen ApS recorded at Reel/Frame 017187/0043 is effectively duplicative of the assignment previously recorded in parent

Application No.: 10/609,296  
Filing date: June 27, 2003  
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Attorney Docket No: 0228us420

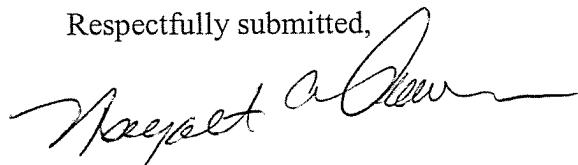
application USSN 10/084,706 at Reel/Frame 016907/0166 on December 16, 2005. Accordingly, Maxygen ApS is the sole assignee of instant application USSN 10/609,296.

**Accordingly, please delete Maxygen Holdings Ltd. as assignee on the Official Filing Receipt, as indicated on the attached marked-up copy of the Official Filing Receipt.**

Applicants believe that no fee is due in connection with this Request. However, in the event that a fee is due, please charge Deposit Account No. 50-0990. Please credit any overpayment to Deposit Account No. 50-0990.

If the Office has any questions with regard to this paper, please telephone the undersigned at 650-298-5809.

Respectfully submitted,



Margaret A. Powers  
Reg. No. 39,804

August 21, 2008  
Maxygen, Inc.  
Intellectual Property Department  
515 Galveston Drive  
Redwood City, CA 94063  
Telephone: 650-298-5809  
Facsimile: 650-298-5446  
**Customer No. 30560**



## UNITED STATES PATENT AND TRADEMARK OFFICE

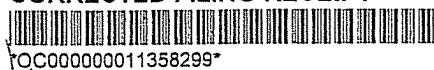
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/609,296	06/27/2003	1646	1002	0228us420	3	34	2

## CONFIRMATION NO. 5764

30560  
 MAXYGEN, INC.  
 INTELLECTUAL PROPERTY DEPARTMENT  
 515 GALVESTON DRIVE  
 RED WOOD CITY, CA 94063

## CORRECTED FILING RECEIPT



TQC000000011358299\*

*COPY*

Date Mailed: 11/26/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Poul Baad Rasmussen, Soeborg, DENMARK;  
 Jeern Distrup, Farum, DENMARK;  
 Grethe Rasmussen, Farum, DENMARK;  
 Anders Hjelholt Pedersen, Lyngby, DENMARK;  
 Hans Thalsgard Schambye, Frederiksberg C., DENMARK;  
 Kim Vilbour Andersen, Broenshoej, DENMARK;  
 Claus Bornae, Hellerup, DENMARK;

## Assignment For Published Patent Application

Maxygen ApS;  
 Maxygen Holdings Ltd.;

## Domestic Priority data as claimed by applicant

This application is a CON of 10/084,706 02/26/2002  
 which claims benefit of 60/272,116 02/27/2001  
 and claims benefit of 60/343,436 12/21/2001  
 and claims benefit of 60/302,140 06/29/2001  
 and claims benefit of 60/316,170 08/30/2001  
 and claims benefit of 60/357,945 02/19/2002

PAT 7,144,574

## Foreign Applications

DENMARK PA 2001 00333 03/01/2001  
 DENMARK PA 1999-01197 08/27/1999  
 DENMARK PA 1999-01691 11/26/1999

 DENMARK PA 2000 00194 02/07/2000

If Required, Foreign Filing License Granted: 10/14/2003

Projected Publication Date: 01/22/2004

Non-Publication Request: No

Early Publication Request: No

**Title**

Interferon beta-like molecules

**Preliminary Class**

424

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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